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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,404	12/28/2001	Richard E. Hanson	12947	1181

26637 7590 10/08/2003

INTELLECTUAL PROPERTY LAW DEPARTMENT CASE LLC
700 STATE STREET
RACINE, WI 53404

EXAMINER

CHIN, GARY

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,404

Applicant(s)

HANSON ET AL.

Examiner

Gary Chin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-13, 16-17 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms “sensor information” on lines 8 and 12 of claim 1, lines 7 and 10 of claim 6 and line 3 of claim 7; “input” on lines 9 and 12 of claim 1 and line 8 of claim 6 and “operator input” on line 10 of claim 6 and line 4 of claim 7 should be “said sensor information”, “said input” and “said operator input” respectively in order to avoid the antecedent basis problem.

As per claim 16, the recitation therein is contextually unclear. Clarification and appropriate correction are required.

As per claim 20, lines 1-2, the antecedent basis for “the wireless communication device” has not been set forth in the claim and should be changed to “the wireless data link”.

Claim(s) that have not been specifically indicated is/are rejected for incorporating the above error(s) from its/their parent claim(s) by dependency.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14-15 and 18-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Scholl et al (patent no. 5400018).

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As per claims 14-15 and 18-19, figures 1-3 and col. 4 of the Scholl et al reference clearly disclose the claimed method for monitoring a work vehicle as well as the fleet management system for a work vehicle including a microprocessor on the work vehicle and the diagnostic algorithm to provide the diagnostic information based upon the sensor data and the operator input (item 210 in figure 3), an operator interface (col. 4, lines 26-37) and a wireless communication data link (item 212) to communicate the diagnostic information to a remote data receiver (item 218 or 116).

As per claim 20, the claimed modem as the wireless data link is taught in item 214 and col. 6, lines 49-52 of the Scholl et al teaching.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholl et al (patent no. 5400018).

As per claims 16-17, it is noted that the additionally claimed format used in the diagnostic algorithm to derive the diagnostic data has not been specifically disclosed in the Scholl et al reference. However, it would have been obvious for one skilled in the art that any well known data format including the decision tree data format as claimed can be used in deriving the diagnostic data in the Scholl et al system.

7. Claims 1-13 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scholl et al (patent no. 5400018) in view of Pillar (patent no. 6553290).

As per claims 1, 6-13 and 21-24, the claimed limitations therein have been met by the Scholl et al reference for the reason set forth in the above paragraphs 6 and 7 with the exception of the display of a plurality of prompts in the operator interface according to a predetermined algorithm. However, such feature of using a plurality of prompts in the operator interface to communicate with the operator is notoriously well known in the art at the time the invention was made and clearly taught in figure 2 (items 18-19) and columns 5 and 10-11 of the Pillar reference. Hence, it would have been obvious for one skilled in the art to incorporate such well known feature as taught in Pillar into the Scholl et al system so that the communication between the operator and the vehicle diagnostic system can be facilitated as suggested in col. 5 of the Pillar teaching.

As per claims 2-5, figures 1-2 of the Scholl et al reference clearly disclose the claimed technical support group or fleet management center (item 112), equipment maintenance center (item 110) and dealer service center interface (item 118).

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8. The additional reference(s) is/are cited to show the related system(s). Applicant(s) should consider them carefully when responding to the current office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (703) 305-9751. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (703) 308-3873. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



GARY CHIN
PRIMARY EXAMINER